

UNITED STATES DISTRICT COURT

for the

Southern District of New York

White Plains Division

BMO Harris Bank, N.A.,

Case No. _____

*(to be filled in by the Clerk's Office)*_____
*Plaintiff(s)**(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

Charon Coins, LLC; Stanley Black & Decker, Inc.; and
Bank of America, N.A.,_____
*Defendant(s)**(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

COMPLAINT FOR INTERPLEADER AND DECLARATORY RELIEF

I. The Parties to This Complaint**A. The Plaintiff(s) in Interpleader**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name BMO Harris Bank, N.A.

Street Address 111 W. Monroe St.

City and County Chicago, Cook County

State and Zip Code Illinois 60603

Telephone Number 646-640-1229

E-mail Address etienne.bargtownsend@bmo.com

B. The Defendant(s) in InterpleaderProvide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name	Bank of America, N.A.
Job or Title <i>(if known)</i>	
Street Address	100 North Tryon Street
City and County	Charlotte, Mecklenburg County
State and Zip Code	North Carolina 28202
Telephone Number	(800) 432-1002
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Charon Coins, LLC
Job or Title <i>(if known)</i>	
Street Address	250 E Wisconsin Avenue, Suite 1800
City and County	Milwaukee, Milwaukee County
State and Zip Code	Wisconsin, 53202
Telephone Number	(414) 949-1124
E-mail Address <i>(if known)</i>	konopa.devin@gmail.com

Defendant No. 3

Name	Stanley Black & Decker, Inc.
Job or Title <i>(if known)</i>	
Street Address	1000 Stanley Drive
City and County	New Britain, Hartford County
State and Zip Code	Connecticut 06053
Telephone Number	(860) 225-5111
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction and Venue

There are two types of interpleader actions, each brought under a different provision. Which type of interpleader action are you bringing? *(check one)*

☒ I am bringing this interpleader action under Federal Rule of Civil Procedure 22. *(Fill out Section A below.)*

☐ I am bringing this interpleader action under 28 U.S.C. § 1335. *(Fill out Section B below.)*

A. Interpleader Action Under Rule 22

1. Jurisdiction is proper because the action *(check all that apply)*:

☐ arises under a federal statute, a federal treaty, and/or a provision of the United States Constitution *(specify the relevant statutory, treaty, and/or constitutional provisions)*:

☒ meets the jurisdictional requirements of 28 U.S.C. § 1332, under which no plaintiff may be a citizen of the same State as any defendant, and the amount at stake must exceed the sum or value of \$75,000:

a. The Plaintiff(s)

i. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

ii. If the plaintiff is a corporation

The plaintiff, *(name)* BMO Harris Bank, N.A., is incorporated under the laws of the State of *(name)* federally chartered, and has its principal place of business in the State of *(name)* Illinois.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

b. The Defendant(s)

i. If the defendant is an individual

The defendant, *(name)* _____, is a
citizen of the State of *(name)* _____.
Or is a citizen of *(foreign nation)* _____.

ii. If the defendant is a corporation

The defendant, *(name)* Stanley Black & Decker, Inc., is
incorporated under the laws of the State of *(name)* Connecticut,
and has its principal place of business in the State of *(name)* _____,
Connecticut. Or is incorporated under the laws of
(foreign nation) _____, and has its principal place of
business in *(name)* _____.

*(If more than one defendant is named in the complaint, attach an additional page
providing the same information for each additional defendant.)*

c. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$258,000.00 of US Dollar funds in Plaintiff's possession, belonging to either Defendant Charon Coins, LLC as an innocent purchaser for value, or to Defendant Stanley Black & Decker, Inc., allegedly defrauded out of these funds. We believe that the agreement involved the sale of 5.77483589 Bitcoin by Defendant Charon Coins, LLC for \$258,000.00, which Charon received.

2. Venue is proper under 28 U.S.C. § 1391 because *(check one)*:

☐ all of the defendants live in _____ *(a common State)* and at least
one defendant lives _____ *(county, State)*,
which is located in this court's judicial district.

☐ a substantial part of the property that is the subject of this complaint for interpleader is
situated in _____ *(county, State)*, which is located
in this court's judicial district.

☒ there is no district in which this action may otherwise be brought. The court has
personal jurisdiction over the defendants for the following reasons *(identify the connections
the defendants have with the judicial district)*:

Defendants Bank of America NA and Stanley Black & Decker do business in the state of New York, and Defendant Charon Coins, LLC accepted the jurisdiction of this Court over it. This Interpleader Action relates to Charon Coins v. Sonea Griffiths, 7:21-cv-02777-VB (SDNY)

B. Interpleader Action Under 28 U.S.C. § 1335

1. In order for this court to have jurisdiction over this action, at least two defendants must be citizens of different States as defined in 28 U.S.C. § 1332(a) or (c), and the value of the property in controversy must be at least \$500.

a. Interpleader Defendant No. 1

- i. If the defendant is an individual

The defendant, *(name)* _____, is
a citizen of the State of *(name)* _____.
Or is a citizen of *(foreign nation)* _____.

- ii. If the defendant is a corporation

The defendant, *(name)* _____, is
incorporated under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of
(foreign nation) _____, and has its principal place of
business in *(name)* _____.

b. Interpleader Defendant No. 2

- i. If the defendant is an individual

The defendant, *(name)* _____, is
a citizen of the State of *(name)* _____.
Or is a citizen of *(foreign nation)* _____.

- ii. If the defendant is a corporation

The defendant, *(name)* _____, is
incorporated under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of
(foreign nation) _____, and has its principal place of
business in *(name)* _____.

c. The Property in Controversy

The property in controversy is worth \$ _____.

2. Venue is proper under 28 U.S.C. § 1397 because at least one defendant, *(name)* _____, resides in _____ *(county, State)*, which is located in this court's judicial district.

III. Statement of Interpleader Action

- A. Describe the property that is the subject of this interpleader action, and explain why you are in possession of the property. Explain why each of the defendants claims an entitlement to the property. Please see enclosed addendum.

- B. Plaintiff has *(check one)*:

- ☒ deposited *(the property at issue)* see addendum into the registry of the court
- ☐ given a bond payable to the clerk of court in the amount of \$ _____, which the court has deemed proper and which is conditioned upon compliance by the plaintiff with the future order or judgment of the court with respect to the subject matter of the controversy.

- C. Explain why you are in great doubt as to which defendant(s) is/are entitled to the property subject to the interpleader action. Explain why you cannot determine which claim(s) is/are valid without exposing yourself to potential double litigation.

A factual and legal uncertainty exists as to who is entitled to the property: Defendant Stanley Black & Decker who alleges to be the owner of the property and to have been defrauded, or Defendant Charon Coins who alleges to have received the property as an innocent party in a good faith transaction where it sold the goods to Ms. Sonea Griffiths, a resident of New York state.

IV. Relief

The plaintiff requests that *(check all that apply)*:

- ☒ Each defendant be restrained from instituting any action against the plaintiff for recovery of the property or any part of it.
- ☒ The defendants be required to interplead and settle among themselves their rights to the property and that the plaintiff be discharged from all liability.



The plaintiff recover costs and reasonable attorney's fees.



The court grant any further relief as may be just and proper under the circumstances of this case.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: 07/06/2022

Signature of Attorney /s/ Etienne Barg-Townsend

Printed Name of Attorney Etienne Barg-Townsend

Bar Number ET1339

Name of Law Firm BMO Financial Group

Street Address 151 W. 42nd St.

State and Zip Code New York, NY 10036

Telephone Number (646) 640-1229

E-mail Address etienne.bargtownsend@bmo.com

**ADDENDUM TO COMPLAINT FOR
INTERPLEADER AND DECLARATORY RELIEF**

II. Basis for Jurisdiction and Venue

A. Interpleader Action Under Rule 22

1.(b): The Defendant(s) (cont.)

1. The defendant, Charon Coins, LLC, is a limited liability company organized under the laws of Colorado and has as its principal place of business in the State of Wisconsin.
2. The defendant, Bank of America, N.A., is a federally chartered National Association and has as its principal place of business in the State of North Carolina.

III. Statement of Interpleader Action

- A. Describe the property that is the subject of this interpleader action, and explain why you are in possession of the property. Explain why each of the defendants claims an entitlement to the property.

This Complaint for Interpleader and Declaratory Relief relates to a prior complaint filed by Charon Coins, LLC against Sonea Griffiths, C.A. No. 7:21-cv-02777-VB (S.D.N.Y.), which, on January 31, 2022, was voluntarily dismissed upon stipulation of the parties (the “Charon Action”).

In the Charon Action, Defendant Charon Coins, LLC (“Charon”), as plaintiff, alleged as follows:

- Defendant Sonea Griffiths (“Griffiths”) entered into three separate agreements to purchase an aggregate of 5.77483589 Bitcoin from Charon, for a total of \$260,000.00. Griffiths allegedly received and accepted the Bitcoin in question and paid the purchase price to DJG Holdings, LLC (“DJG”) which acted as Charon’s agent for collection. DJG’s bank was Plaintiff BMO Harris Bank, N.A. (“BMO Harris”).
- Shortly thereafter, BMO Harris froze DJG’s account in response to allegations that the wires to DJG were “fraudulent.” BMO Harris subsequently reversed the wires, sending the purchase price back to Griffiths, who had already taken possession of the Bitcoin delivered by Charon.
- Upon information and belief to Charon, Griffiths was the affiant who wrongfully claimed the wires were fraudulent.
- In March 2021, Charon contacted Griffiths. Griffiths admitted receiving the Bitcoin and refused to pay for or return the Bitcoin.

Charon alleged claims of breach of contract and for unjust enrichment, seeking \$258,000.00 in damages or return of the Bitcoin.

BMO Harris continues to hold the \$258,000 in question because it has attempted to provide the payment by check on several occasions after the account was frozen. However, each time the check has been lost by a third party, TD Bank.

Defendant Stanley Black & Decker, Inc. now alleges to be the owner of the Bitcoin property and that it had been defrauded.

Defendant Charon alleged that it had no knowledge or suspicion that the property was obtained by fraud and that therefore, as an innocent purchaser for value, it has a superior right to the property.

B. Plaintiff has submitted concurrent with this complaint a motion for an order directing the Clerk of Court to accept and deposit the interpleader funds in the amount of \$258,000.00.

Date: July 6, 2022

Respectfully submitted,

/s/ Etienne Barg-Townsend
Etienne Barg-Townsend (No. ET1339)
BMO Financial Group.
151 W. 42nd Street
New York, NY 10036
(646) 640-1229
etienne.bargtownsend@bmo.com
*Attorney for Plaintiff BMO Harris Bank,
N.A.*